



May 5, 2023

VIA ECF

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The Honorable Jennifer L. Hall
United States District Court for the District of Delaware
J. Caleb Boggs Federal Building,
844 N. King Street
Wilmington, DE 19801

**Re: *Ameritas Life Ins. Corp. v. U.S. Bank, N.A., as Securities Intermediary*
C.A. No. 1:22-cv-623-JLH**

Dear Judge Hall,

We represent Plaintiff Ameritas Life Insurance Corp. (“Ameritas”) in the above-referenced matter. We write to respectfully request that the Court hold the current case schedule (including the current discovery deadline) in abeyance until the Court adjudicates U.S. Bank’s pending motion to dismiss (D.I. 37). No later than 10 days after the Court rules, the parties will submit a proposed revised Scheduling Order consistent with the Court’s decision. Counsel for Ameritas has conferred with counsel for U.S. Bank, who has indicated that they do not oppose this relief.

Good cause exists for the relief requested. The current discovery deadline, as set forth in the Court’s Scheduling Order, is May 16, 2023. (D.I. 33, ¶ 7(a)). Ameritas has engaged in significant third-party documentary discovery, (*e.g.*, D.I. 42, 56), and has substantially completed its document production to U.S. Bank. As this Court is aware, U.S. Bank has objected to jurisdiction and has therefore produced very little of its documents. For the same reason, U.S. Bank’s principal, the Policy’s beneficial owner, an investment fund referred to as “FCI” and its agents and affiliates, have also refused to produce any documents. And since a substantial portion of the relevant documentation has not yet been produced, depositions have not yet been taken.

As a consequence, Ameritas respectfully submits that good cause exists for withdrawing the current case deadlines, including the discovery deadline, and ordering the parties to submit a proposed revised case schedule 10 days after the Court decides the pending motion to dismiss. A proposed Order for the Court’s consideration is concurrently submitted herewith.

Respectfully submitted,

COZEN O'CONNOR

/s/ *Kaan Ekiner*

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